

HOUSE BILL 1236

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Section 67-4-402(b)(4) and Section 67-4-402(d), relative to the method of establishing liability for the bottled soft drinks tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-402(b)(4), is amended by designating the existing language as subdivision "(A)" and by adding the following new language, to be designated as subdivision "(B)":

(B) If the person located outside this state manufacturing or producing or selling bottled soft drinks and the purchaser or distributor of bottled soft drinks within this state agree in writing who shall pay the tax imposed by this section, then the agreement is binding on the parties and the state. If the person manufacturing or producing or selling and the purchaser or distributor do not so agree, then the purchaser or distributor is liable for the payment of such tax as provided in subdivisions (b)(2) and (3).

SECTION 2. Tennessee Code Annotated, Section 67-4-402(d), is amended by deleting the first sentence and by substituting instead the following:

Any tax paid pursuant to parts 20 and 21 of this chapter by the taxpayer established under subdivision (b)(4)(B) on the privilege taxed by this section is a credit against the tax imposed by this section.

SECTION 3. This act shall take effect on July 1, 2009, the public welfare requiring it.